



5 Traffic accidents

5-3 Compensation for damages and calculation methods

(1) Compensation for damages

If you have become a victim of a traffic accident, there are basically four types of damage you can seek:

• Expenses related to medical treatment	• Compensation for damages caused by absence from work
• Consolation fees	• Compensation for death or residual disabilities (lost earnings and consolation money)

Regarding compensation for damages caused by absence from work; when you make a claim through an insurance company, compensation will be calculated based on official documents that indicate your working conditions (such as a certificate of damages caused by absence from work - kyugyo songai shomeisho). Also, if the accident occurs while engaged in work (including overtime), a claim for work-related accident compensation can be made.

(2) Calculation methods for damages

Calculation methods differ between automobile liability insurance, optional insurance and the calculation method of the Bar Association.

Automobile liability insurance	The upper limit for treatment expenses, etc. during the period required for medical treatment is 1.2 million yen. In addition to this payment, in cases where residual disabilities caused by the accident are diagnosed, insurance payments are made depending on the degrees of the disabilities. The payment of automobile liability insurance is basically not exempted unless the victim is found to have caused grave fault. But most of the payments are spent on treatment expenses, and in many cases little is left for work-absence compensation or consolation money.
Optional insurance	The upper limits differ among optional insurance programs
Calculation method by the Bar Association	Method used by the Bar Association for civil suits. The idea of “failure ratio” is used to determine the degree of liabilities owed by the person caused the accident and the victim, respectively. The amount of damage differs depending on this ratio.